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# Public Notice

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Applicant:  
Seneca Building Company & Gray Fox Development

Published: **January 24, 2012**  
Expires: **February 22, 2012**

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U.S. Army Corps  
of Engineers  
Buffalo District  
CELRB-TD-R

Application No: 2008-00870  
Section: Ohio

All written comments should reference the above Application No. and be addressed to:  
Buffalo District U.S. Army Corps of Engineers  
Regulatory Branch (Attn: Paul Wetzel)  
1776 Niagara Street  
Buffalo, New York 14207-3199

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**THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.**

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Dick Leffler, Seneca Building Company, P.O. Box 190, Maumee, Ohio 43537, and Joe Swolksy, Gray Fox Development 725 Crossleigh Court, Suite 101, Toledo, Ohio 43617 have requested Department of the Army authorization to place fill into Federally jurisdictional wetlands in order to construct phase two of the Gray Stone Woods Residential Development. The project is located southwest of the intersection of Holland-Sylvania Road and Bancroft Street in the City of Toledo, Lucas County, Ohio.

The applicants are seeking authorization from the Department of the Army to fill a total of 1.93 acres of an emergent wetland (Wetland A) and an emergent and forested wetland (Wetland B) for the construction of the buildings, parking lots and associated infrastructure for the Gray Stone Residential Development.

Construction for phase one of the Gray Stone Woods development was started in February 2009 in upland areas on an adjacent property north of the proposed project area. Phase two involves a 14 acre project area that consists of two parcels, each held by different landowners. Seneca Building Company owns a 12-acre parcel on which phase two of the residential development will occur. Gray Fox Development, LLC owns the adjacent 2-acre parcel on which a water retention pond will be constructed. The applicants propose to fill a total of 1.65 acres of Wetland A and B on the Seneca Building Company property and 0.28 acres of Wetland A on the Gray Fox Development property (fill 1.93 acres total both properties). It is anticipated that the remaining 0.69 acres of Wetland A on the Gray Fox Development

property will be negatively impacted due to secondary hydrologic impacts as a consequence of the development activity. This will represent a total loss of 2.62 acres of wetlands.

To compensate for the loss of 2.62 acres of federally jurisdictional wetlands, the applicant has proposed to purchase a total of 5.4 acres of wetland mitigation credits from the Ohio Wetlands Foundation Pearson Metropark Wetlands Mitigation Bank in the City of Oregon, Lucas County, Ohio.

The stated project purpose is development of the site for residential development.

Location and details of the above-described work are shown on the attached maps and drawings (Sheet 1-4 of 4).

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Paul Wetzel, who can be contacted at the above address, by calling 419-898-3491, or by e-mail at: [paul.f.wetzel@usace.army.mil](mailto:paul.f.wetzel@usace.army.mil) . A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The following authorization(s) may be required for this project:

**Section 401 Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.**

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 1 of 4. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*) (E), Karner blue butterfly (*Lycaeides melissa samuelis*) (E), Kirtland's warbler (*Setophaga kirtlandii*) (E), piping plover (*Charadrius melodus*) (E), rayed bean (*Villosa fabalis*) (PE), eastern prairie fringed orchid *Platanthera leucophaea* (T), eastern massasauga *Sistrurus catenatus* (C), bald eagle *Haliaeetus leucocephalus* (SC) and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

E = Endangered

C = Candidate

PE = Proposed Endangered

SC = Species of Concern

T = Threatened

CH = Critical Habitat

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which

is available to the public under the Freedom of Information Act. The Administrative Record or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross-examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

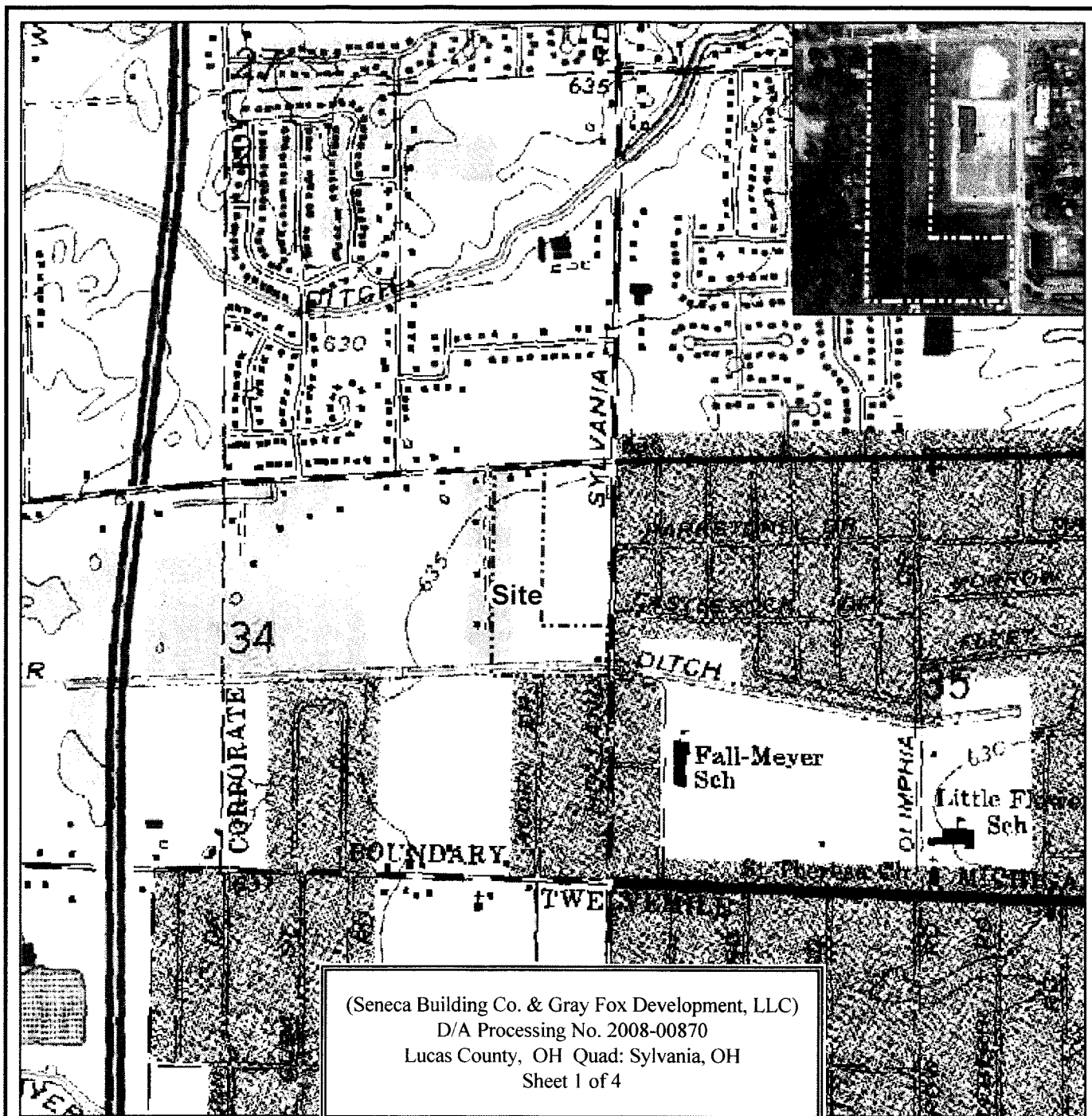
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SIGNED**

Diane C. Kozlowski  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



Quadrangle Location

### Legend

Project Boundaries

Source: The topographic map was obtained from the Terraserver website, <http://terraserver-usa.net>. Quadrangle name: Sylvania, Ohio, revised in 1977 and published in 1980.

The aerial photo in the inset was acquired through the OGRIP/OIT ArcIMS website, <http://gis1.oit.ohio.gov>. Aerial photography dated 2005.

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1:12,000



# Hull

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Surface Water Determination for a 12-Acre Site

## Site Location Map

City of Toledo, Lucas County, Ohio

Date:

January 2012

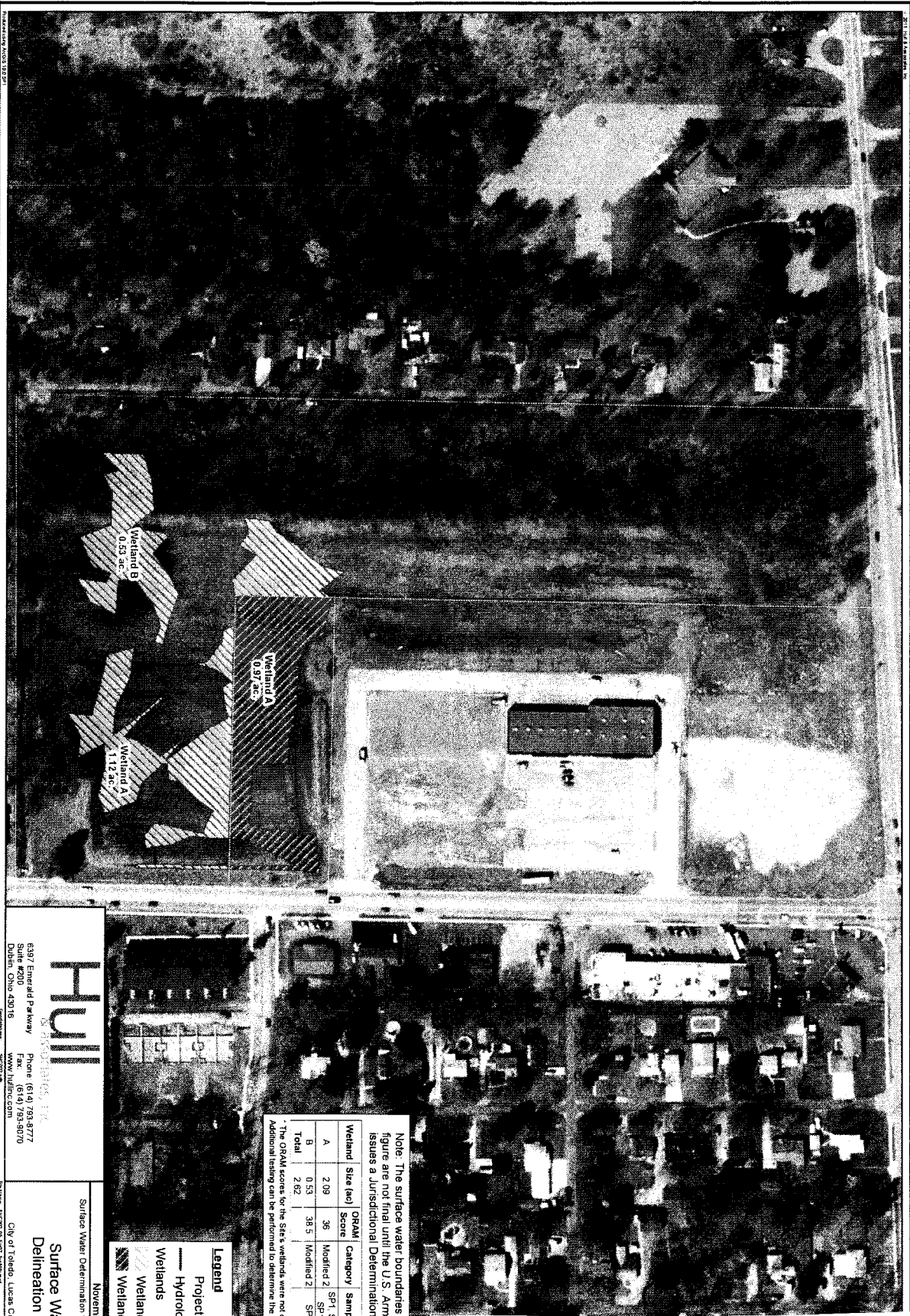
Project Number: SNC001

Geodatabase: SNC001.mdb

File Name:  
SNC001\_01\_Fig01\_SiteLocMap.mxd

Figure

1



Note: The surface water boundaries depicted on this figure are not final until the U.S. Army Corps of Engineers issues a Jurisdictional Determination (JD) Letter.

Wetland	Size (ac)	ORCAI Score	Category	Sample #	Photo	Isolation
A	2.09	36	Modified 2	SP1, SP6	1, 2, 4, 5	Non-isolated
B	0.53	38.5	Modified 2	SP3	17, 21	Non-isolated
Total	2.62			SP7	1, 8	Non-isolated

The ORCAI scores for the Site's wetlands were not definitive as to Ohio Category. Additional testing can be performed to determine the final category.

**Hull**  
180001405, LLC  
6197 Emerald Parkway  
Suite #200  
Dublin, Ohio 43016

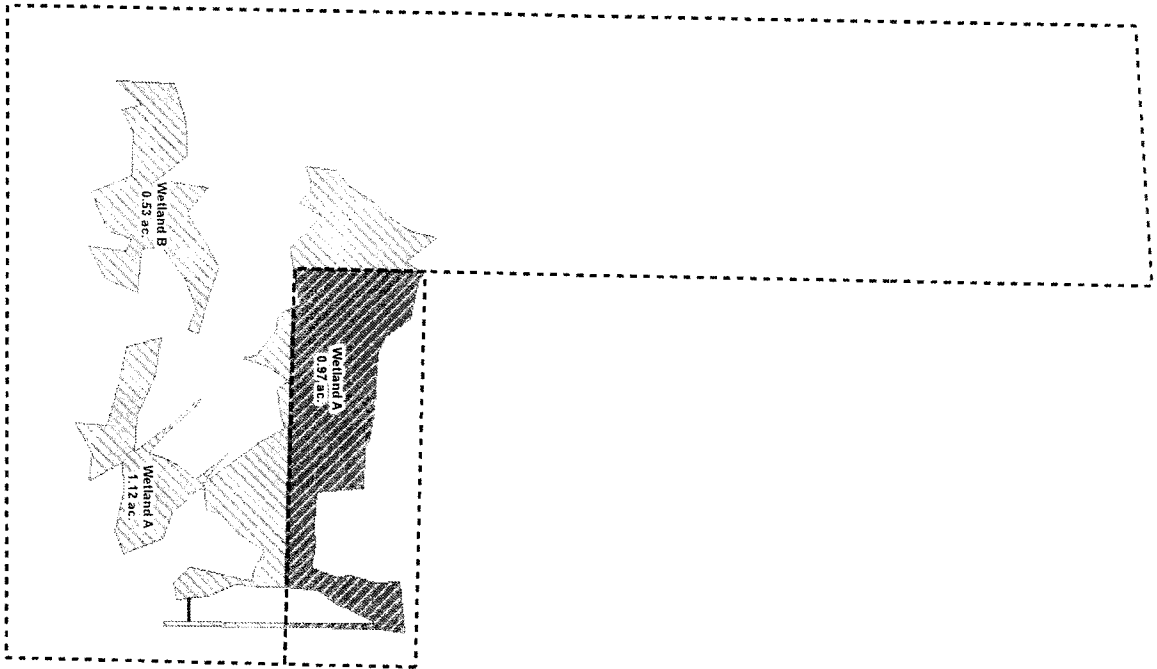
Phone: (614) 793-8777  
Fax: (614) 793-8070  
www.hullinc.com

Surface Water  
Delineation Map

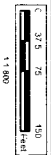
November 2011

Figure 2

(Seneca Building Co. & Gray Fox Development, LLC)  
D/A Processing No. 2008-00870  
Lucas County, OH Quad: Sylvania, OH  
Sheet 2 of 4



(Seneca Building Co. & Gray Fox Development, LLC)  
D/A Processing No. 2008-00870  
Lucas County, OH Quad: Sylvania, OH  
Sheet 3 of 4



Note: The surface water boundaries depicted on this figure are not final until the U.S. Army Corps of Engineers issues a Jurisdictional Determination (JD) Letter.

Wetland	Size (ac)	Score	ORAM Category	Sample #	Photo	Isolation
A	2.09	36	Modified 2	SPT SFS	1, 2, 4, 5	Non-isolated
B	0.53	38.5	Modified 2	SP7	7, 8	Non-isolated
<b>Total</b>	<b>2.62</b>					

\* The ORAM scores for the SPA's wetlands were not sufficient as to Ohio Category. Additional testing can be performed to determine the final category.

**Legend**

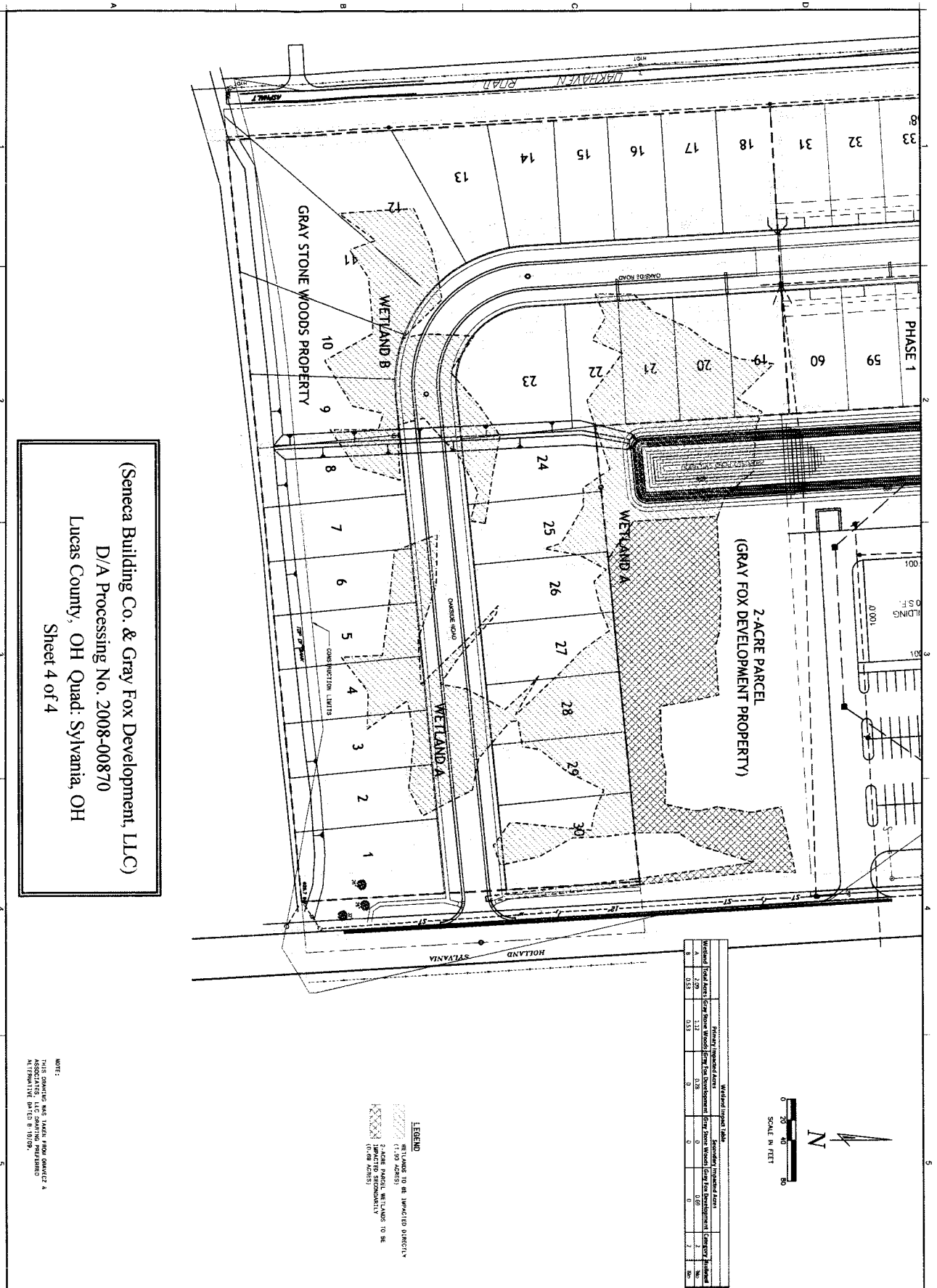
- Project Boundary
- Hydrologic Connection
- Wetlands
- Wetlands on Original Parcel
- Wetlands on Additional Parcel

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Surface Water  
Delineation Map

January 2012

Figure 2



(Seneca Building Co. & Gray Fox Development, LLC)  
 D/A Processing No. 2008-00870  
 Lucas County, OH Quad: Sylvania, OH  
 Sheet 4 of 4

NOTE:  
 THIS DRAWING AND ANY OTHER DOCUMENTS  
 ASSOCIATED, LLC DRAWING PREPARED  
 ALTERNATIVE DATED 8/18/09.

ALTERNATIVES ANALYSIS AND  
 MITIGATION PLAN  
 GRAY STONE WOODS  
 CITY OF TOLEDO, LUCAS COUNTY, OHIO

SENeca  
 BUILDERS, LLC